
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting Of the Board of Directors Berry Creek Metropolitan District March 25, 2014

The Regular Meeting of the Board of Directors of the Berry Creek Metropolitan District, Eagle County, Colorado was held on March 25, 2014 at 8:30 a.m., at the Singletree Community Center, 1010 Berry Creek Road, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

- George Gregory
- Herb Luhman
- Mike Budd
- Ann Darby
- Dan Godec (By Telephone)

Also in attendance were:

- Karen Kern
- Dan Carlson, Operations
- Ken Marchetti, District Administrator
- Cheri Curtis, Secretary to the Meeting

Call To Order

A Regular Meeting of the Board of Directors of Berry Creek Metropolitan District was called to order by Director Gregory, on March 25, 2014, at 8:30 a.m. noting a quorum was present.

Potential Conflicts

Of Interest Director Darby reported that she is the owner of Darby Architects, P.C., an architectural firm that has been engaged to provide architectural services to the District. Darby Architects' provision of these services to the District could constitute a potential conflict of interest. The Board noted, for the record, that this disclosure is restated at this time with the intent of fully complying with laws pertaining to potential conflicts.

Public Input Karen Kern expressed concerns with the concept of a community garden that would only benefit twenty property owners and could negatively affect property values in the community. Ms. Kern is representing several property owners with the similar concerns. She does not believe the gardens should be raised and fenced.

Director Gregory explained the Board is looking at the community garden concept, and if approved, it will be incorporated into any plans for improvements to the Community Center. The Board noted other property owners have

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expressed similar concerns; however, there are other property owners who are supportive of the community garden concept. The area proposed for the community garden only allows space for twenty plots and the plots would be available through a lottery system.

Ms. Kern stated that as a neighbor, her major objection is whether placing the garden at such a prominent location in the community, where wedding receptions and other community events are held and impacting everyone's (but particularly her neighborhood's views and aesthetics) is the best location for a community garden. Ms. Kern is also concerned that the gardens could impact access to the Community Center from her neighborhood. The Board agreed to take Ms. Kern's comments into consideration during the planning process for the community gardens including the concerns regarding access to the community center. The Board's goal is to design a desirable amenity that will enhance the community and not detract from it.

Changes to the Agenda

None were presented.

Minutes

The February 25, 2014 Regular Meeting minutes were reviewed. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the February 25, 2014 Regular Meeting minutes with revisions.

CVC Signage Request

Cordillera Valley Club (CVC) representatives have contacted Director Gregory to request permission to install signage at the I-70 roundabout that would provide directions to CVC. Director Budd noted CVC is within the boundaries of Edwards Metropolitan District and as such their community is a constituent of ECA. The Board indicated they will need to have a concept plan presented to consider the signage request. Director Darby suggested the Board also consider signage for directions to the Medical Center. Director Luhman cautioned against too many signs causing sign pollution.

Community Garden

The Community Garden committee has been working on the concept for the community garden but it was noted the concept plan was not developed to the point that it was appropriate for presentation at the recent SPOA annual meeting since the topographic map has not been completed. The concept plan has been reduced from forty to twenty plots due to space constraints in balance with the building addition area which will result in reduced construction costs. A land survey will be required to determine the area available for the garden plots. Upon motion duly made and seconded it was unanimously

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RESOLVED to hire Lee Lechner to provide a land survey of the area for the proposed community garden, the community center landscaped area and the expansion of the Community Center for a cost not to exceed \$1,000.

Community Center

Expansion Director Darby presented the concept plans for the Community Center expansion, which includes a patio area, a courtyard, and the community garden. The Board was impressed with the preliminary conceptual plans. After viewing the plans, Ms. Kern stated it helped to see the concept.

UERWA Base Rate

Increase The Upper Eagle Regional Water Authority (UERWA) has proposed a Capital Replacement Program Base Rate Charge with the proceeds generated by this charge to be placed in a Restricted Reserve Fund designed to pay for capital replacement of existing facilities on a current and ongoing basis. The intent of the Capital Replacement Program Base Rate is to avoid the need to finance short term capital requirements and instead pay these obligations directly from monthly customer revenues. The additional assessment will be used for replacing capital assets with a life expectancy up to 20 years. The Resolution is asking the District to consent to an initial charge amount of \$3.25 per SFE per month to be implemented as of April 1, 2014. The charge may be adjusted in future years depending on future capital replacement costs. All proceeds from the Capital Replacement Program Base Rate shall be used solely for capital replacement of existing facilities.

The UERWA establishing agreement requires that increases in the water base rates that exceed the Denver/Boulder CPI increase must be approved by the member entities of the Authority, including Berry Creek Metro. Director Budd requested clarification of the CPI explanation in the UERWA memorandum included in the Board packets. Director Budd also questioned why expenses have increased by 67% while revenues have only increased by 43% as shown on the distributed graph resulting in rate increases not remaining consistent with increases in operating costs. Director Gregory explained the UERWA Board has continually reviewed expenses and has held personnel costs steady. Contracted services have been brought in house to reduce expenses. Mr. Marchetti further explained the District has moved from issuing long-term bonds to pay for shorter term capital replacements to covering maintenance costs by user rates, which is the reason the resolution is being presented for approval.

After discussion and upon motion duly made and seconded it was unanimously

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RESOLVED to approve the Capital Replacement Program Base Rate of \$3.25 per SFE. A copy of the formal resolution approving this rate is incorporated herein by this reference.

ERWSD Ballot

Support ERWSD has two items on the May 6, 2014 ballot to authorize new debt supported by property taxes to be used to construct waste water treatment plant improvements (Ballot Issue A) and the remove the TABOR revenue limits to allow the District to accept and retain grants (Ballot Issue B). Director Budd stated he is supportive of Ballot Issue A but not Ballot Issue B. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the Resolution of Support for the Eagle River Water and Sanitation May 6, 2014 Election Ballot Issues A and B. A copy of the resolution is incorporated herein by this reference.

Spring 2014 Maintenance

Contracts Director Budd informed the Board that ECA has agreed to pay for the maintenance of the northwest quadrant of the I-70 roundabouts if Berry Creek Metro will provide the water and that the most efficient way to obtain this maintenance would be to have the contractor(s) providing maintenance to the north side roundabouts and the northeast quadrant to provide the maintenance for the northwest quadrant but ECA will bear the cost. Mr. Carlson will obtain bids for the maintenance of the northwest quadrant.

Operations Mr. Carlson has swept the sidewalks on Winslow Road at the I-70 underpass. Mr. Carlson recommended hiring a contractor with a power washer to clean the railing and the walls to remove the winter sand and debris.

The broken concrete near the newspaper boxes on Latigo Circle is on the list to be repaired. The holiday lights were removed. The shelves in the Community Center kitchen have been painted.

The street corners will be cleaned in preparation of plantings by Garden Creations. The June Creek and Berry Creek Road corners swells need to be addressed to avoid future vehicle damage. Gordon Adams, Eagle County Road and Bridge Manager, reported the roads in Berry Creek are scheduled for an asphalt overlay in 2015.

The trail on Mesquite Drive needs road base put down to repair the path. The Board approved allowing Mr. Carlson to make the necessary repairs on the Mesquite Drive trail.

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Bids have been requested for the purchase or lease of exercise equipment. The Community Center carpets will be cleaned and the broken exercise equipment will be removed. The Board may wait to replace the exercise equipment until a decision is made on the Community Center expansion.

Director Luhman requested Mr. Carlson straighten the street signs throughout the Community. Directors Gregory and Luhman will drive around the community and make a list of signs needing to be addressed that will be provided to Mr. Carlson.

Financial Report

The February 28, 2014 financial report was included in the Board packet. Director Budd presented questions that were clarified by Robertson & Marchetti staff. The debt service mill levy will decrease in 2016 when the bond expenditures decrease by \$200,000. The 2016 assessed value is projected to increase in 2016.

Accounts Payable

The Board reviewed the accounts payable list for March 2014. Upon motion duly made and seconded it was unanimously

RESOLVED to approve the March 2014 accounts payable list as presented.

SPOA

The SPOA Board has suggested preparing a joint community survey to obtain information on the improvements and amenities Singletree property owners would like to have within the community. The expansion of the Community Center and the community gardens will be included on the survey.

UERWA

Discussions regarding updating UERWA's establishing Agreement are continuing in anticipation of providing an updated agreement to all members of UERWA for consideration in the near future.

ECA

The ECA meeting was held in March. There is an Edwards Master Plan Meeting scheduled for March 27. As the master planning process continues, the Technical Advisory Committee will be replaced with a Citizens Advisory Committee. Cliff Simonton with Eagle County is requesting additional funding from ECA, to be matched by Eagle County, for the consultant who is assisting with the master planning process. ECA has requested additional information from Mr. Simonton before approving his request.

Signage was approved for the entrance at the Eagle River Preserve.

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The Agreement between Eagle County and CDOT for Phase II of the Spur Road is still being completed. The design cost is estimated between \$1,000,000 and \$1,500,000 with the initial phase being \$1,000,000. CDOT is contributing \$500,000 with ECA and Eagle County each contributing \$250,000 of this initial phase. CDOT will manage the project for a fee. The funds for the Spur Road design have been allocated through 2015 with additional funding expected to be required in 2016. The source of the 2016 funds has not been determined.

Director Budd stated he is not in favor of completing the Spur Road design unless the funding to construct the improvements is committed prior to beginning the design process. Director Budd further indicated he does not believe the funding will be available from CDOT or Eagle County for a number of years. Director Darby believes with the economy improving, the Board should re-evaluate supporting the design process. Director Godec supports not spending funds on a design unless the funding to complete the project is in place. Director Gregory stated that without the design completed there is no way to obtain funding. Pedestrian traffic needs to be addressed in Edwards. No action was taken at this time.

Open Items List

The Board reviewed the Open Item List and removed the first two items. Susan Macklin-Dolan has agreed to chair the Community Garden Committee. The Community Center concept plan will be revised to expand the exercise area. The land survey will be completed and forwarded to Director Darby.

The Board discussed obtaining community input on the community garden design from property owners as the design progresses following the completion of the land survey.

Concrete pans at the landscaped corners were added to the list for completion in 2015 in conjunction with the overlay planned by Eagle County.

Adjournment There being no further business to come before the Board, by motion duly made and seconded it was unanimously

RESOLVED to adjourn the Regular Meeting of the Berry Creek Metropolitan District Board of Directors this 25th day of March, 2014.

Respectfully submitted,



Cheri Curtis
Secretary for the Meeting